

Remarks

Claims 3-9, 11-14, 16-18, 20-22 and 24 are pending in the application. Of these, claims 11-14, 16-18 and 20-22 are allowed. Applicant thanks the Examiner for this indication of allowance. Claims 3-9 and 24 stand rejected under 35 USC §112, first paragraph, but are indicated to be allowable if this rejection is overcome. Applicant thanks the Examiner for this further indication of allowability.

Claims 21 and 22 are amended to correct obvious clerical errors. The amendments to claim 21 and 22 serve to insert inadvertently omitted underscores. No change in the scope of the claim results from this amendment, and accordingly, no change in the available scope of equivalents under the doctrine of equivalents should attach. In addition, claim 24 is herewith amended to more clearly define the invention, and is believed to be in immediate condition for allowance.

Claim 24 stands rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicant thanks the Examiner for the courtesy of an interview conducted telephonically on June 20, 2007. In the course of the interview, the status of claim 24 was discussed. Without conceding any insufficiency of the specification, Applicant herewith amends claim 24 as indicated in the section above entitled "Listing/Amendments of Claims, Including Status Indicators."

As amended, claim 24 recites the features of:

first processor means for periodically incrementing a weight for said first program characteristic in the user profile, wherein an incremented weight for said first program characteristic includes a number of time periods the first television program is watched by the user times the first relevancy factor for said first program characteristic...

The specification states that "a program's weighting is determined by the formula $Wp = (Rel1 * Cth1 \dots$ wherein: Wp is the weight for that program; $Cth1$, $Cth2 \dots Cthn$ are the values in the counters... [and] $Rel1$, $Rel2 \dots Reln$ are the corresponding relevancies..." Page 8, Lines 21-29.

Applicant respectfully submits that this statement clearly supports the identified portion of claim 24, as amended. Therefore, claim for 24 is believed to be in immediate condition for allowance.

Applicant respectfully notes that the amendment to claim 24 serves exclusively to broaden the scope, of claim 24. Accordingly, the present amendment of claim 24 should not in any way diminish the scope of equivalents available with respect to claim 24 under the Doctrine of Equivalents.

In light of the foregoing, the rejection of claim 24 under 35 USC §112, first paragraph, is overcome and claim 24 is in immediate condition for allowance. Such allowance is respectfully solicited.

Claims 3-9 stand rejected "for their dependency upon rejected claim 24." Therefore, for at least the reasons given above in relation to claim 24, the rejections of claims 3-9 are also overcome.

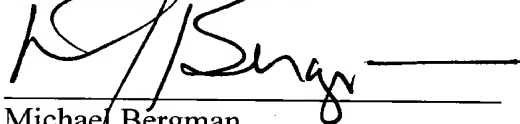
Having overcome the pending rejections of claims 3-9 and 24, and as indicated in the Office Action at page 3, paragraph 6, claims 3-9 and 24 are now in immediate condition for allowance. Accordingly, allowance of all claims now in the application is in order and is earnestly solicited.

A petition for a one month extension of time is transmitted herewith, along with authorization to charge the requisite fee. If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this company, by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this company) to Deposit Account No. 07-0832 of Thompson Licensing LLC.

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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (617) 868-8870, so that a mutually convenient date and time for a further telephonic interview may be scheduled.

Respectfully submitted,



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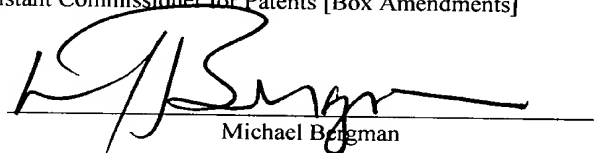
Date: **JUN 21 2007**

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents [Box Amendments] Alexandria, VA on:

JUN 21 2007

Date



Michael Bergman